

**EXCERPTED KEY SECTIONS FROM
PROPOSED NEW LEGISLATION “THE PUBLIC INFORMATION
RESOURCES REFORM ACT OF 2001”**

Revised Draft November 15, 2000

IMPORTANT NOTE: *This is a WORKING DRAFT of proposed new legislation for public review and comment. It is a bill outline of key provisions at this stage, primarily findings, purposes, and definitions, not a complete bill text. Moreover, it is not edited.*

**107th CONGRESS
1st Session**

To provide for the reform of the operation and policy leadership for, and strengthened legislative oversight of, the overall life cycle planning, management and dissemination of the federal government's public information resources to all sectors of American society in order to inform the public, achieve national goals, enhance the nation's economy, and utilize most effectively the Nation's public information resources, and for other purposes.

IN THE SENATE (OR HOUSE) OF THE UNITED STATES

Mr./Ms. () introduced the following bill, which was read twice and referred to the Committee on (as appropriate)

A BILL

To provide for the reform of the federal government's public information infrastructure so that public information is considered a strategic national asset, including: strengthening public information access statutory foundations and legislative oversight provisions; realigning and coordinating both central and individual agency public information services and information management missions, functions and operations to eliminate unnecessary duplication and duplication of authorities, missions, responsibilities, resources, and functions, and in so doing enhance public access; creating a federal public information resources management organization in the Executive, Legislative and Judicial Branches, transferring certain authorities and functions from existing organizations to those newly established public information resources organizations, and creating new authorities, functions, and responsibilities for them; establishing government-wide public information resources policy

leadership and accountability; fostering more effective and efficient interbranch, interagency, and intergovernmental information sharing and interchange; strengthening and integrating overall government information life cycle strategic planning, budgeting, programming, and management processes; and establishing permanent public availability policy for the indefinite retention of public information resources by the federal government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1, SHORT TITLE.

SHORT TITLE – This Act shall be cited as the ***Public Information Resources Reform Act of 2001: Diffusing Government Information To the People, For the People, and On the People***

SECTION 2, TABLE OF CONTENTS

(to be completed)

SECTION 3 – FINDINGS AND PURPOSES

FINDINGS. – Congress finds that:

- (1) in a democracy, citizen access to the public information resources of their central government is absolutely critical to fostering an informed citizenry so as to enable meaningful and full participation of individuals in all aspects of the democratic process;
- (2) the maximum availability of, and easy and equitable access to, a multiplicity and diversity of federal government information resources contributes to productive development in all sectors of the nation's economy, cultural development in all sectors of the nation's society, and political development in all facets and at all levels of the nation's governance activities;
- (3) the permanent public availability of, and access to, the public information resources of the federal government through a multiplicity and diversity of sources and channels, public and private, is more important than ever in the Information Age, and therefore government information resources should be made available to the public through a completely reformed and modernized Public Information Resources

Program, including a reinvigorated program for public-private sector collaborative partnerships;

- (4) the federal government should seek the most effective, efficient, and economical means of producing, maintaining, preserving, disseminating, providing for the permanent availability of, and managing the entire life cycle of all of its public information resources, through a variety of public-private sector partnership arrangements, and these arrangements should not be placed at undue risk because of jurisdictional considerations between the three branches of the federal government or due to outmoded concepts of public and private sector roles inappropriate for the Internet Age;
- (5) the absence of a clear, single, focal point within the government for public information resources management, information life cycle integration and planning, information standards and guidelines development and implementation, and policy leadership, development, and oversight, must be remedied as soon as possible because it is:
 - (a) creating inconsistent and contradictory approaches to the management of public information resources,
 - (b) impeding efficient public access,
 - (c) contributing to the loss of electronic government information products and an increase in the number of fugitive documents,
 - (d) obstructing interbranch, interagency and intergovernmental sharing of public information resources,
 - (e) resulting in a lack coordinated, focused development of information storage, dissemination, access and handling standards and guidelines, and
 - (f) absence of an overall public accountability focus for government information utilization;
- (6) the federal government's policies, principles, guidelines and programs for the policy leadership, planning, budgeting, programming, and management of its *internal (for official use only)* information resources are not consistent with and complementary to its counterpart policies, principles, guidelines and programs as they relate to its *external (public use)* information resources; yet the principles of life cycle information resources management are applicable to both because both internal and external agency information flows and holdings are inextricably interrelated at each stage of the information life cycle, especially as the government moves more and more into the electronic Information Age;

- (7) because of rapidly changing state-of-the-art information and communications technologies, all federal agencies, intermediary public and private sector information distribution networks and systems, public information dissemination institutions, such as depository libraries, public libraries, government information centers, clearinghouses, and other repositories such as reading rooms that assist a variety of internal government (agency) users and external (public) users to identify, locate and use effectively the whole range of government information resources must cope with the increasing proliferation of both pre-electronic and electronic information forms, formats, mediums, platforms, systems, and protocols, without the advantage of commonly agreed to standards and guidelines;
- (8) unnecessarily duplicative, overlapping, inconsistent, and incompatible agency public information resources missions, functions, and operations, including the creation, storage, handling, records disposition, and archiving of public information products is costly and inefficient, and should be phased out; effective Federal information resources management (IRM) policies and practices, as prescribed by the Paperwork Reduction Reauthorization Act of 1995 and OMB Circular A-130: Management of Federal Information Resources, the Government Paperwork Elimination Act, and related legislation and Executive guidance, should be extended to external as well as internal agency information flows and holdings, and to intergovernmental flows and holdings as well;
- (9) the procurement of necessary, non-duplicative, and competitive public information resources products and value-added services from the private sector should be encouraged so as to promote a multiplicity and diversity of sources, systems, and services;
- (10) while well-intentioned, recent practices by Federal agencies to migrate hard copy, microform, or early generation electronic public information products such as CD-ROM to more advanced electronic formats and platforms on either government or commercial host web sites has resulted in a significant loss of information resources that would have been made available to the public if an effective Public Information Resources Access Program had been in place;
- (11) technological developments provide many opportunities for increasing efficiencies in the creation, production, storage, dissemination, preservation and archiving of government information resources to the public, but at the same time pose challenges for ensuring broad-based,

permanent public availability of government information resources in new forms, formats, and mediums such as interactive and multimedia approaches, and on many new platforms, using many new protocols; therefore, interbranch, intergovernmental, and interagency interconnectivity is critical;

- (12) the establishment of an “early warning” state-of-the-art monitoring mechanism for tracking and evaluating, and applying to the management of government information resources, the latest research and development results in information, computer, and communications science, and closely related fields, including state-of-the-art applied technology products, is essential in order to maintain a continuous flow of timely, useful, and permanently available to, and easily accessible government information resources for the public; and
- (13) the preservation, dissemination and permanent public availability of the public information resources of the government must be guaranteed through a mechanism with sufficient independence and authority to ensure agency compliance with their obligation to provide material for the Public Information Resources Access Program; enforcement of existing statutory provisions relating to public information dissemination is essential.

PURPOSES

The purposes of this Act are to:

- 1. reform the federal government’s public information infrastructure at all levels, and in all branches of government, and coordination with lower government levels, including strengthening overall policy leadership, and executive and legislative oversight for the creation, storage, communication, permanent public availability of and access to, dissemination, preservation, and overall life cycle integration and management of the public information resources of the federal government;
- 2. consolidate and more closely and effectively coordinate the missions, functions, policies, budgetary authorities, program responsibilities, central government web site portal utilization, and other public information resources of the federal government, now unnecessarily dispersed, fragmented, and compartmentalized across both agency and branch lines, to establish a consistent, government-wide information services and information management approach, so as to

minimize and eliminate unnecessary overlap and duplication among agencies and branches, pinpoint accountability in designated officials, and streamline, and simplify public information resources management policies, programs, and practices;

3. update and modernize the information handling and telecommunications systems, services, and networks for storing, handling and disseminating the public information assets of the federal government (e.g. publications, databases and other public information collections, regardless of forms, mediums or formats), to ensure that they are adequate to support the federal government's exploitation of the full and effective use of the Internet and the World Wide Web, and that public information resources management activities are fully and effectively integrated into the federal government's electronic government (e-Gov) plans;
4. effect major organizational realignments, including:
 - (a) the creation of a new independent Executive Branch agency, the Public Information Resources Administration (PIRA), to serve as the federal government's focal point for overall leadership in establishing government information as a strategic national asset, government-wide public information resources management, policy leadership, planning, coordinating, budgeting and control of public information resources policies and programs, providing information resources and services to the government itself at all levels, as well as to the public;
 - (b) the concomitant reconfiguration of the Government Printing Office into a new Congressional Information Resources Office (CIRO);
 - (c) the creation of a new Judicial Branch agency, the Judicial Information Resources Office (JIRO);
 - (d) mandating a range of new authorities, functions, and responsibilities of each agency; and
 - (e) the transfer of certain statutory authorities, budget authorities, personnel and procurement authorities, and other authorities and resources, from existing agencies to the new Public Information Resources Administration;
7. create an inter-branch, intergovernmental, interagency Council on Public Information Resources, having as permanent members the heads of the Public Information Resources Administration, Congressional Information Resources Office and Judicial Information

Resources Office, the Archivist of the United States, the Librarian of Congress and the directors of the other National Libraries, the Chairperson of the National Commission on Libraries and Information Science, the director of the Office of Information and Regulatory Affairs at the Office of Management and Budget, the Clerk of the House of Representatives, the Secretary of the Senate, and the Clerk of the Supreme Court, two State level chief information officers, one local level chief information officer, two “at large” public members, as well as a minimum of four other individuals representing Executive Departments with significant information dissemination missions, and at least one other individual representing an independent agency with a significant information dissemination mission, to serve as an advisory board to the Public Information Resources Administration and to ensure that policies, regulations, standards and guidelines, promulgated by the Public Information Resources Administration are coordinated fully within the Executive Branch and with the Legislative and Judicial Branches to ensure a consistent application of such policies, regulations, standards, guidelines, and procedures;

8. create certain key new public information resources policy leadership, supervisory, and management positions, authorities, functions, and programs, fully appropriate to the Internet Age, and the re-designation of existing positions that require repositioning organizationally and reconfiguring from a duties and responsibilities standpoint, such as:
 - the Deputy Administrator for Public Information Resources (Content), and the Superintendent of Public Information Resources (formerly the Superintendent of Documents) (SuPIR);
 - the Deputy Administrator for Public Information and Communications Technologies, and the Superintendent of Public and Information Communication Technologies (SuPICT);
 - the Director of Electronic Information Dissemination Services, including the Public Information Resources Database Administrator and the Coordinator of Public Information Portals;
 - the Federal Webmaster, and the Intergovernmental, Interbranch, and Interagency Web Coordinators;
 - the Director of the Office of federal Agency Information Services, including Printing Procurement, Electronic Information Services Procurement, and Customer Service;
 - the Director of the Office of Intergovernmental, Interbranch, and Interagency Information Interchange;
 - the Director of the Office of Federal, National and Global Information Infrastructure Development;

- the Director of the Federal Metadata Standards and Guidelines Program;
 - the Director of the Office of Telecommunications Interconnectivity, including Public Website, Federal Website, and Intergovernmental Website Connectivity;
 - the Director of the Public Information Resources Libraries Program;
 - the Director of Public-Private Sector Partnerships, including Collaborative Ventures, Private Sector Initiatives, and Government Use of Private Sector Information;
 - the Councilor for the Disadvantaged and Special Populations, Information Literacy, and Lifelong Learning; and
 - the Chairperson of the Public Information Users Council;
9. establish a new vision, a new public information services model, a new focal organizational locus, and new name for the Federal Depository Library Program, building on the institutional expertise and strengths of the nation's federal depository libraries, and the professional expertise and strengths of the nation's government document librarians and other government information professionals, time-phased into short-term, medium-term, and long-term actions, to ensure the smooth completion of the transition already well underway from the largely paper-based service model currently employed, to a largely digitally-based service model which will be employed in the future;
 10. harmonize the Government's internal (for official use only) and external (public use) information resources management policies, principles, guidelines and practices; and the strengthening of interagency government information sharing policies, programs, guidelines, and standards;
 11. coordinate education, training, professional development, and career development programs to broaden and strengthen of the capability of librarians and other information professionals so as to more fully reflect the full range and diversity of their responsibilities as contemplated by this statute, to help citizens not only locate, but to organize, summarize, and use the public information resources of the federal government for practical advantage in personal, family, school, business, and many other contexts;
 12. reconfigure the Legislative Branch printing, printing procurement, and customer service missions, authorities, functions, and programs,

presently housed in the Government Printing Office, into a new Congressional Information Resources Office;

13. reconfigure the Judicial Branch printing, printing procurement, and customer service missions, authorities, functions, and programs, presently housed, but to remain in the Administrative Office of the U.S. Courts; and

14. achieve other purposes.

SECTION 4, DEFINITIONS

- (1) “*Agency*” has the meaning in Section 1902(1) of Title 44, United States Code, as amended and is expanded to incorporate the Congress and other Legislative Branch agencies and organizations, as well as the Supreme Court, the Administrative Office of the U.S. Courts, and all Judicial Branch courts and organizations.
- (2) “*Authentication*” means the process by which an information product or service is attested to, and certified by an agency or agency official as an official government information product and not a copy, derivative, or unofficial representation of an official product;
- (3) “*Format*” means the arrangement of data elements or the software standard used to configure data and information, whether text, numeric, audio, video, photographic, or other graphic, or any other type of information, for convenience of production, storage, handling, use, communication, archiving, and disposition;
- (4) “*Government Publication*” under section 1902(3) of title 44, United States Code, is broadened to mean any Government information product or service which is created, compiled, produced, or maintained by or for the Federal government, at Government expense, or as required by law regardless of form, format or medium; the term includes both “*Internal Information Resources*” and external “*Public Information Resources*”;
- (5) “*Information Standard or Guidelines*” means a standard or guideline for creating, editing, organizing, cataloging, indexing, abstracting, storing, handling, searching, retrieving, communicating, re-communicating, scheduling as an official record, appraising, evaluating, archiving, or disposing of government information;

- (6) "*Internal Information Resources*" means any government information products or services that are excluded from public use because (a) they have been determined by the issuing components to be required for official use only or (b) they have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, or (c) they are classified for reasons of national security or constrained by another statute such as the Privacy Act; determination under section (b) can be appealed to the head of the Public Information Resources Administration who will make a binding determination after consultation with the issuing component and, if the issuing component is in the Legislative or Judicial Branch, with the head of the Congressional Information Resources Office or the Judicial Information Resources Office, respectively.
- (7) "*Medium or Media*" means the type of physical substrate utilized to record and communicate information regardless of format, such as magnetic tape, paper, microfiche, CD-ROM, cable, broadcast, or the Internet and the World Wide Web;
- (8) "*Permanent Public Availability*" means the making available to, and accessible by, the public the maximum amount of "*Public Information Resources*" on an indefinite, continuing basis, free of charge; this public availability is distinct from the deposit of an official copy for "*Permanent Records Retention*" by the National Archives and Records Administration and refers to information resources that may not come under the Federal Records Act definitions of a federal record, but are nevertheless acquired, organized and preserved solely for convenience of public reference; furthermore public availability is meant to convey immediate access through the World Wide Web (or its successor technology) or availability through a widely distributed national network of libraries such as the "*Public Information Resources Access Libraries*";
- (9) "*Permanent Records Retention*" means the scheduling, preservation, and indefinite retention of an agency record, regardless of its physical form or characteristics, pursuant to the Federal Records Act of 1950 and related legislation at the direction and under the guidance of the National Archives and Records Administration; this permanent retention is distinct from "*Permanent Public Availability*" and refers to information resources that are within the definition of a federal record under the Federal Records Act and are scheduled for permanent retention by the National Archives and Records Administration; it does not include copies of record scheduled for permanent retention that are acquired, organized and preserved solely for convenience of public reference and made available

- for immediate access through the World Wide Web (or its successor technology) or a widely distributed national network of libraries such as the “*Public Information Resources Access Libraries*”;
- (10) “*Preservation*” means taking steps to safeguard the format and mediums employed to store government information, such as periodic refreshing of the information’s “container” medium, so that it neither disintegrates physically, nor becomes inaccessible or unreadable because of the obsolescence of the technologies originally used to create, organize, access, or store the information;
- (11) “*Private Sector*” means private enterprise, for-profit and not-for-profit, as well as organizations such as professional societies and trade associations, hybrids that are joint government/private enterprise, and organizations such as privately supported libraries and universities (even though they may be subsidized by public funds);
- (12) “*Public Information Resources*” means “*Government Publications*” that are not excluded from public use because (a) they have been determined by the issuing components to be required for official use only or (b) they have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) they are classified for reasons of national security or (d) they are constrained from public use by another statute such as the Privacy Act;
- (13) “*Public Information Resources Access Library*” means a library that has been designated under this Act to assist the public, without charge, in finding and using government information; all libraries designated as Federal Depository Libraries at the time of enactment are automatically re-designated as “*Public Information Resources Access Libraries*” and are subject to the terms and conditions set forth in this Act and by regulations and guidance issued under the authority of this Act; and
- (14) “*Public Information Resources Access Library Program*” refers to the newly reconfigured and strengthened program formerly known as the Federal Depository Library Program.

TITLE I – TRANSFER OF FUNCTIONS OF THE JOINT COMMITTEE ON PRINTING

SECTION. 101 PURPOSE

The purpose of this title is to provide for the orderly transfer of functions of the Joint Committee on Printing as appropriate, to:

- the Committee on Rules and Administration of the Senate;
- the Committee on House Oversight of the House of Representatives;
- the Congressional Information Resources Office (formerly the Government Printing Office);
- the Judicial Information Resources Office; and
- the Public Information Resources Administration, as appropriate, to:
 - the Administrator;
 - the Deputy Administrators;
 - the Superintendent of Public Information Resources;
 - the Superintendent of Information and Communications Technologies; or
 - other officials.

Chapter 1 of title 44, United States Code, is repealed, and the table of chapters for title 44, United States Code, is amended by striking the item relating to chapter 1.

SECTION. 103. LEGISLATIVE OVERSIGHT FUNCTIONS

IN GENERAL. - - All legislative oversight functions (including all oversight jurisdiction, duties, authorities, and responsibilities) of the Joint Committee on Printing on the day before the effective date of this Act shall be performed by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives on and after such date.

REGULATION. -Unless otherwise provided by this Act, the Administrator of the Public Information Resources Administration shall cause to remain in effect as appropriate the Government Printing and Binding Regulations No. 26, effective February 1990, as contained in Senate Publication S Pub. 101-9, in effect until the Administrator of the Public Information Resources Administration publishes final regulations in accordance with section 301 of title 44, United States Code (as amended by this Act).

SECTION 104. REPEAL OF WAIVERS.

All waivers granted and other provisions required of legislative, executive and judicial branch agencies and independent establishments by the Joint Committee on Printing under the Government Printing and Binding Regulations before the date of enactment of this Act shall be void 120 days following such date of enactment.

SECTION. 105. EFFECTIVE DATE

This title shall take effect on (date), except as otherwise noted.

TITLE II. DISPOSITION OF PROGRAMS FOR THE SALE OF PUBLIC INFORMATION RESOURCES

SECTION 201. PURPOSE

The purpose of this title is to provide for the orderly transfer of all programs for the sale of Public Information Resources in agencies in the legislative, executive and judicial branches of government to the Public Information Resources Administration, and to repeal all statutory requirements for self-funding programs for the sale of Public Information Resources and replace them with the provisions of section [insert number] of this Act.

SECTION 202. DISPOSITION OF PROGRAMS FOR THE SALE OF PUBLIC INFORMATION RESOURCES

All programs for the sale of public information resources in the legislative, executive and judicial branch agencies and independent establishments, other than reimbursement of fees under the Freedom of Information Act, whether required by statute, or authorized by other means, are transferred to the Public Information Resources Administration 120 days following the enactment of this Act. This provision does not include services within a department or agency that are provided on a reimbursable basis solely to employees, contractors and grant recipients of that agency, but does include all inter-agency reimbursable services for creation, management, and dissemination of Public information resources as well as those offered to the public. All provisions in statute for self-funding programs for the sale or dissemination of Public information resources, other than reimbursement of fees under the Freedom of Information Act, are repealed 120 days following the enactment of this Act and any future sale of Public information resources is governed by the provisions for this Act. The Superintendent of Public Information Resources may authorize the continuation of the sale of Public information resources by other agencies after establishing a cooperative agreement or partnership arrangement as authorized by section [insert number] of this Act and ensuring compliance with requirements for sale

of Public information resources as authorized by section [insert number] of this Act.